

REMARKS

The claims have been rewritten as new claims 9-15 to improve the clarity of the claimed subject matter and to bring the claims into conformity with U.S. practice and format, and to place the application fully in condition for allowance. The SUBSTITUTE SPECIFICATION revises the original written description so that it now conforms to the appropriate format for U.S. patent specifications. The original Abstract has been amended to provide a more concise summary of the disclosure in accordance with U.S. practice format.

Applicant has not yet received an indication from the Examiner as to the acceptability of the originally filed drawings and requests such indication in the next Official Action, in the absence of which it is assumed that the original drawings are acceptable.

Claims 9-15 remain pending upon entry of the amendments to the claims above.

Claim Rejections under 35 U.S.C. § 112

The claims are rejected under 35 USC 112, second paragraph. The Examiner indicated that the original claims appear to be literal translations into English from a foreign document and are replete with idiomatic errors. Accordingly, the original claims have been rewritten as new claims. In view of the new claims, withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 1-8 are rejected under 35 USC 103 as being unpatentable over U.S. 5,758,449 (Munsterman et al.) in view of U.S. 5,986,552 (Lyons). If the earlier rejection is to be maintained with regard to new claims 9-16, which correspond to the canceled claims, Applicant most respectfully traverses such rejection.

Applicant most respectfully wishes to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP. MPEP § 2143 states that to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the teachings of the reference. Second, there must be a reasonable expectation of success for the modification. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP § 2143.03 states that all claimed limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art". *In re Wilson* 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *In re Fine* 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

As shown in Figure 2 of Munsterman et al., in this device there is a single white light 28 and a single green light 30. In contrast, independent claim 9 claims a central light-emitting diode and surround light-emitting diodes. Further, independent claim 9 claims that an end of the inductive shaft (703 of the claimed invention) extends out of the lock bolt (30 of the claimed invention) and is securable to a fishing hook and line, such that when the inductive shaft is pulled by a catch, the inductive coil activates the central light-emitting diode. There is no equivalent to the inductive shaft of the claimed invention in the cited art in conjunction with the other claimed elements. As previously indicated, in the device of Munsterman et al., there are no surrounding lights around a central light that is activated, unlike the claimed invention.

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The Examiner is further referred to the claimed inductive circuit board, inductive coil, which are not taught, disclosed or suggested in the cited prior art, in conjunction with other claimed elements.

With regard to the reference to Lyons, the Examiner will note that the indicator light device 11 is secured to the ground, not positioned on the fishing float, as illustrated in Figure 4. Hence, there is no way for the fisherman to gauge the location of the fishing float, especially at night.

In view of the cancellation of the original claims and the presentation of new claims, and the remarks above, withdrawal of this rejection is most respectfully requested.

In summary, it is respectfully submitted that none of the prior art individually or collectively shows the invention as claimed. Accordingly, withdrawal of the rejection of the claims appears to be warranted and the same is respectfully requested. In the event there are any outstanding matters remaining in the present application which can be resolved by a telephone call or facsimile communication to Applicant's Attorney, the Examiner is invited to contact the undersigned by telephone or facsimile at the numbers provided below.

Respectfully submitted,
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